Court No.2

Writ Petition No. 309 (MB) of 2003
Ikram and another ……. Petitioners
Versus
State of Uttaranchal and others ……... Respondents.
……

Hon'ble P.C. Verma, A.C.J.
Hon'ble Irshad Hussain, J.

This writ petition has been filed by the husband for getting her wife handed over peacefully to him. On the first date of hearing of the writ petition this Court directed the petitioner No. 2 to appear before this Court, so that her statement may be recorded, as she is major. The petitioner No. 2 was in rescure-home (Nari-Niketan) and the S.D.M., Roorkee (District-Hardwar) recorded her statement, which has been filed with the writ petition in which she had stated before the S.D.M. that she is married with the petitioner No. 1 and her father is sending her against her wishes with respondent No. 5 with whom she was never married.

Today the petitioner No. 2 is present. Her statement has been recorded by Ms.Nishat Intezar Advocate Commissioner appointed for the purpose. The statement of the petitioner No. 2 is taken on record. In her statement today also she has reiterated the statement made before the S.D.M., Roorkee. In view of her unequivocal statement that she is married with the petitioner No. 1 and since she is willing to go with the petitioner No. 1, we direct that the petitioner No. 2 shall be handed over by the Superintendent, Nari Niketan, Hardwar with the petitioner No. 1 and the respondent No.5 shall not interfere in any manner in the life of the petitioner No. 1 and the petitioner No. 2. In case of harassment by the respondent No. 5, it is open for both the petitioners to have recourse of law.

With the aforesaid observation, the petition is disposed of finally.

(Irshad Hussain, J.) (P.C. Verma, A.C. J.)

06.05.2003
P.Singh